

those blasphemous words & speeches, att the next Provincial Court, & that the persons be there present to testify viva voce in Court.”

Whether Lumbrozo found security “Body for Body” is unknown. Since this required someone to be willing to be tried and punished in his stead if he absconded, and since under the Act of Toleration blasphemy was punishable by death, perhaps he did not find any one. However, eight days later, the last day of this Provincial Court session, Governor Josias Fendall proclaimed Richard Cromwell as the new Protector of England and pardoned “All & Every person or persons wch this Court in any Criminal Cause stood indicted Convicted or condemned to dye Resyding att this time within this province.” Lumbrozo, indicted, but not convicted or condemned to die as some have claimed, was thus spared trial. That he would in any case have been pardoned is likely, but he might have had to wait in custody for trial until April 20, 1659, the date set for the next session. (See *Archives* 41: 203-04; 258-59.)

Before and after that time, Lumbrozo was fully accepted in Maryland as a member of the community. The court records show him collecting debts, beginning in 1657. Once he was naturalized in 1663 he served on juries and as an appraiser. He practiced medicine and represented other planters in court. The Council granted him a license to trade with the Indians and the Provincial Court gave him a license to keep ordinary. I think one can interpret this history as indicating that a Jew was tolerated in mid-seventeenth-century Maryland.

True, the Act of Toleration was confined to Christians, but I do not think that Lord Baltimore had Jews in mind when he wrote the act. He had no intention of extending toleration to Indian religions. As his charter, declared, one reason to settle the New World was to Christianize the Indians.

Possibly after his scrape with Fendall’s Provincial Court (which came immediately after the four years of Puritan rule in which toleration in Maryland was in abeyance), Lumbrozo turned Christian. This seems to me doubtful, but there is one suggestive event. He informed against the minister John Legatt for performing a marriage without license or banns. Legatt pleaded not guilty and Lumbrozo could not produce proof, hence Legatt was cleared. One might argue that as a Jew, Lumbrozo would have had no interest in this issue. However, if Legatt had been convicted, Lumbrozo could have collected half the very large fine. There is nothing else to suggest that Lumbrozo converted and his will does not use Christian language. I do not think Lumbrozo became a Christian.

Lumbrozo had his unsavory side and it is evident from numerous depositions that he forced his maid servant, Elizabeth Weale, to sleep with him, got her with child, and gave her a drug to force an abortion. After telling various neighbors what had happened, she then tried to deny her tale, saying that she had made up the story, but she could not deny that Lumbrozo had given her a drug that had caused her to abort. Lumbrozo avoided prosecution by marrying her. The Charles County Court indicted them together, but the trial never took place, since, once married to Lumbrozo, Elizabeth could not testify against him. (*Archives* 41: 589-91; *Ibid.* 53: 316-20, 352, 355-57, 387-91.)

Finally, just before Lumbrozo’s death, Thomas Allcock accused him of receiving goods stolen from Allcock’s house after his wife and children had been murdered by Indians. The case went to arbitration and Lumbrozo agreed to pay Allcock 900 pounds of tobacco and give him back the property he had received. (*Archives* 53: 609, 616; *ibid.*, 60: 74, 91, 92-93.)

Clearly Lumbrozo was a well-educated and able man. However, he did not gain great success in Maryland. Perhaps some held his being a Jew against him. Nevertheless, he was not denied any civil rights as a Jew, and if he had lived longer he would probably have got richer.